
In the United States Bankruptcy Court
for the
Southern District of Georgia
Savannah Division

In the matter of:

JUDY SHURLING
ERNEST R. SHURLING
(Chapter 7 Case 91-40628)

Debtors

WILEY WASDEN, III
TRUSTEE

Plaintiff

v.

DRAY ENTERPRISES, INC.,
DIANE RAY

Defendants

Adversary Proceeding

Number 92-4121

MEMORANDUM AND ORDER ON MOTION FOR LEAVE TO FILE
MOTION FOR SUMMARY JUDGMENT

Defendant Diane Ray filed a Motion for Leave to File a Motion for Summary Judgment on November 12, 1993. Plaintiff has not filed a response to the Motion.

Bankruptcy Rule 7056(b) provides:

A party against whom a claim, counterclaim, or cross-claim is asserted or a declaratory judgment is sought may, at any time, move with or without supporting affidavits for a summary judgment in the party's favor as to all or any part thereof.

Subsection (c) of Bankruptcy Rule 7056 requires any motion for summary judgment to be served at least ten (10) days before the time fixed for hearing. It appearing from the record that no hearing has been scheduled in this matter, Defendant's Motion shall be granted.

As part of its Motion for Leave to File Motion for Summary Judgment, Defendant attached its Motion for Summary Judgment. Therefore, the Court will deem Defendant's Motion for Summary Judgment filed in this Court on the date this Order is entered. Plaintiff will have twenty (20) days from this date to respond to this Motion as provided under Rule 6.6 of the Local Rules for the United States District Court for the Southern District of Georgia.

ORDER

Accordingly, IT IS THE ORDER OF THIS COURT that Defendant's Motion is hereby granted.

FURTHER ORDERED that Defendant's Motion for Summary Judgment

will be deemed filed as of the date of entry of this Order.

Lamar W. Davis, Jr.
United States Bankruptcy Judge

Dated at Savannah, Georgia

This ____ day of January, 1994.